

**STATE OF RHODE ISLAND
BEFORE THE RHODE ISLAND ETHICS COMMISSION**

**In re: Brian R. Remy,
Respondent**

Complaint No. 2008-7

INFORMAL RESOLUTION AND SETTLEMENT

The Respondent, Brian R. Remy, and the Rhode Island Ethics Commission hereby agree to a resolution of the above-referenced matters as follows:

A. FINDINGS OF FACT AND ADMISSIONS

1. The Respondent was first elected to the Town of Warren Sewer Commission in 1988 and has served continuously in said capacity at all times hereto relevant.
2. The Respondent holds the position of Assistant Fire Chief in the Town of Warren and, as such, serves as a member of the Town of Warren Board of Fire Engineers.
3. In his private capacity, at all times hereto relevant, the Respondent has been the President and Treasurer of Remy Plumbing & Heating, Inc., a family owned and operated business located in Warren, Rhode Island.
4. During calendar year 2000, Remy Plumbing & Heating, Inc. provided services to the Town of Warren in excess of two hundred fifty dollars (\$250.00). The Respondent did not disclose said transactions in response to Question No. 6 on his 2000 Financial Statement filed with the Ethics Commission.
5. During calendar year 2001, Remy Plumbing & Heating, Inc. provided services to the Town of Warren, including the Town of Warren Fire Department, in

excess of two hundred fifty dollars (\$250.00). The Respondent did not disclose said transactions in response to Question Nos. 6 and 12 on his 2001 Financial Statement filed with the Ethics Commission.

6. During calendar year 2002, Remy Plumbing & Heating, Inc. provided services to the Town of Warren Fire Department in excess of two hundred fifty dollars (\$250.00). The Respondent did not disclose said transactions in response to Question Nos. 6 and 12 on his 2002 Financial Statement filed with the Ethics Commission.

7. During calendar year 2003, Remy Plumbing & Heating, Inc. provided services to the Town of Warren, including the Town of Warren Fire Department, in excess of two hundred fifty dollars (\$250.00). The Respondent did not disclose said transactions in response to Question Nos. 6 and 12 on his 2003 Financial Statement filed with the Ethics Commission.

8. During calendar year 2005, Remy Plumbing & Heating, Inc. provided services to the Town of Warren in excess of two hundred fifty dollars (\$250.00). The Respondent did not disclose said transactions in response to Question No. 6 on his 2005 Financial Statement filed with the Ethics Commission

9. During calendar year 2006, Remy Plumbing & Heating, Inc. provided services to the Town of Warren, including the Town of Warren Fire Department, in excess of two hundred fifty dollars (\$250.00). The Respondent did not disclose said transactions in response to Question Nos. 6 and 12 on his 2006 Financial Statement filed with the Ethics Commission.

10. During calendar year 2007, Remy Plumbing & Heating, Inc. provided services to the Town of Warren, including the Town of Warren Fire Department, in

excess of two hundred fifty dollars (\$250.00). The Respondent did not disclose said transactions in response to Question Nos. 6 and 12 on his 2007 Financial Statement filed with the Ethics Commission.

13. In calendar year 2007, the Respondent also received an annual stipend in the amount of one thousand two hundred dollars (\$1,200.00) from the Town of Warren for his service as an Assistant Fire Chief.

13. On his 2007 Financial Statement filed with the Ethics Commission, the Respondent failed to disclose his receipt of stipend income from the Town of Warren in excess of one thousand dollars (\$1,000.00) in response to Question 6.

B. RESPONDENT'S STATEMENT

In mitigation of the conduct detailed above, the Respondent submits the following factors, which are solely the representations of the Respondent and are not adopted by the Ethics Commission or the Prosecution:

1. Brian Remy has spent essentially his entire life in the Town of Warren, Rhode Island. He was born, raised and educated in Warren, graduating from Warren HS in 1974. His father owned and operated Remy Plumbing & Heating. After High School Mr. Remy became a plumber, married and raised his family in Warren.

2. For over 35 years, Mr. Remy has volunteered his time for the benefit of the Warren community. Since 1973, he has served as a volunteer firefighter, rising to the rank of Assistant Fire Chief. It was not until the year 2007 that he began to receive an annual stipend of \$1,200 for his service as Assistant Fire Chief. Mr. Remy typically spends part of each work day at the fire station.

3. Mr. Remy also served as a Little League Coach in Warren for six years.

4. Mr. Remy was first elected to the Warren Sewer Commission in 1988. He spends part of each weekday at the sewer plant where his knowledge and experience as a plumber has proved to be quite valuable.

5. There is no question that Mr. Remy's financial statements are inaccurate in that he failed to disclose that his company had earned income from the Town of Warren, and that he had received a \$1,200 stipend in 2007 for his service as assistant fire chief. These omissions were inadvertent and not intentional. He certainly wasn't trying to hide the fact that his company had done business with the Town; this was well known and a matter of record.

6. Mr. Remy has decided to forego his annual \$1,200 stipend for his service as assistant fire chief and this has already been communicated to the Town of Warren. He will receive no stipend at all in 2009 and none going forward.

7. It is also evident that the work performed by Remy Plumbing & Heating was not substantial. Nor did Mr. Remy solicit work from the Town; rather, he was asked by the Fire Chief or other town officials to perform the work. Most of the work performed consists of routine repairs such as: repairing a split water line, replacing a safety valve on a hot water heater; thawing frozen pipes, fixing clogged urinals, etc.

8. Nonetheless, Mr. Remy acknowledges that the financial statements he filed with the Ethics Commission are inaccurate and he takes full responsibility.

C. CONCLUSIONS OF LAW

1. The Commission finds that the Respondent, a member of the Town of Warren Sewer Commission, was at all times hereto relevant a municipal elected official subject to the financial disclosure mandate of R.I. Gen. Laws § 36-14-16.

2. The Commission finds that, by his failure to disclose that his company, Remy Plumbing & Heating, Inc., provided services in excess of two hundred fifty dollars (\$250.00) to the Town of Warren on his 2000 Financial Statement filed with the Ethics Commission, the Respondent violated R.I. Gen. Laws § 36-14-17(b)(2).

3. The Commission finds that, by his failure to disclose that his company, Remy Plumbing & Heating, Inc., provided services in excess of two hundred fifty dollars (\$250.00) to the Town of Warren, including the Warren Fire Department, on his 2001 Financial Statement filed with the Ethics Commission, the Respondent violated R.I. Gen. Laws § 36-14-17(b)(2).

4. The Commission finds that, by his failure to disclose that his company, Remy Plumbing & Heating, Inc., provided services in excess of two hundred fifty dollars (\$250.00) to the Town of Warren Fire Department on his 2002 Financial Statement filed with the Ethics Commission, the Respondent violated R.I. Gen. Laws § 36-14-17(b)(2).

5. The Commission finds that, by his failure to disclose that his company, Remy Plumbing & Heating, Inc., provided services in excess of two hundred fifty dollars (\$250.00) to the Town of Warren, including the Warren Fire Department, on his 2003 Financial Statement filed with the Ethics Commission, the Respondent violated R.I. Gen. Laws § 36-14-17(b)(2).

6. The Commission finds that, by his failure to disclose that his company, Remy Plumbing & Heating, Inc., provided services in excess of two hundred fifty dollars (\$250.00) to the Town of Warren on his 2005 Financial Statement filed with the Ethics Commission, the Respondent violated R.I. Gen. Laws § 36-14-17(b)(2).

7. The Commission finds that, by his failure to disclose that his company, Remy Plumbing & Heating, Inc., provided services in excess of two hundred fifty dollars (\$250.00) to the Town of Warren, including the Warren Fire Department, on his 2006 Financial Statement filed with the Ethics Commission, the Respondent violated R.I. Gen. Laws § 36-14-17(b)(2).

8. The Commission finds that, by his failure to disclose that his company, Remy Plumbing & Heating, Inc., provided services in excess of two hundred fifty dollars (\$250.00) to the Town of Warren, including the Warren Fire Department, on his 2007 Financial Statement filed with the Ethics Commission, the Respondent violated R.I. Gen. Laws § 36-14-17(b)(2).

9. The Commission finds that, by his failure to disclose his receipt of stipend income in excess of one thousand dollars (\$1,000.00) from the Town of Warren for his service as an Assistant Fire Chief on his 2007 Financial Statement filed with the Ethics Commission, the Respondent violated R.I. Gen. Laws 36-14-17(b)(2).

D. COMMISSION'S FINDINGS OF MITIGATING CIRCUMSTANCES

1. The Respondent has taken full responsibility for his actions.
2. The Respondent cooperated fully with the Commission's investigation.
3. The Respondent has asserted that he will forgo receipt of all future stipends from the Town of Warren Fire Department.

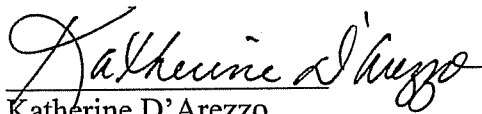
E. SETTLEMENT

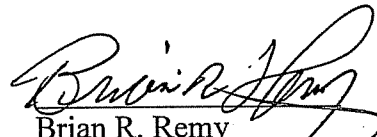
Pursuant to the above Findings of Fact and Conclusions of Law, and Mitigating Circumstances, the Respondent shall amend his Financial Statements filed with the Ethics Commission for calendar years 2000, 2001, 2002, 2003, 2005, 2006 and 2007. Further,

pursuant to R.I. Gen. Laws § 36-14-13(d), the Commission shall impose a civil penalty in the amount of One Thousand Dollars (\$1,000). Subject to Commission approval, the above terms represent the full and complete Informal Resolution and Settlement for Complaint No. 2008-7.

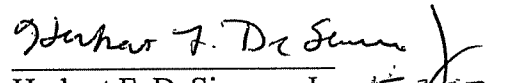
Dated: 1/13/09

Dated: 1/13/09

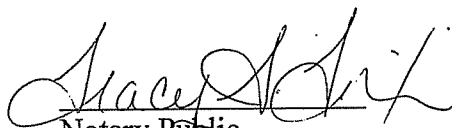

Katherine D'Arezzo
Commission Prosecutor


Brian R. Remy
Respondent

Dated: 1/13/09


Herbert F. DeSimone, Jr. #2657
Respondent's Counsel

Subscribed to and sworn before me this 13 day of January 2009.


Notary Public
My Commission Expires: 4/2/2012